

ESTTA Tracking number: **ESTTA13781**

Filing date: **08/23/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|-------------------------------|---|
| Proceeding | 91160778 |
| Party | Defendant Idea Sphere Inc. Idea Sphere Inc. 3133 Orchard Vista Drive, S.E. Grand Rapids, MI 49546 |
| Correspondence Address | Thomas L. Lockhart VARNUM, RIDDERING, SCHMIDT & HOWLETT P.O. Box 352 Grand Rapids, MI 49501-0352 |
| Submission | Answer |
| Filer's Name | Timothy E. Eagle |
| Filer's e-mail | teeagle@varnumlaw.com, trademarks@varnumlaw.com |
| Signature | /tee/ |
| Date | 08/23/2004 |
| Attachments | Idea Sphere - Rodale PREVENTION INSIGHTS answer and proof of service.pdf (4 pages) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

RODALE, INC.,

Opposer,

v.

IDEA SPHERE, INC.

Applicant.

Opposition No. 91-160778

Mark: PREVENTION INSIGHTS

Serial No. 78/289,015

Box TTAB
No Fee
United States Department of Commerce
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3513

ANSWER AND DEFENSES TO NOTICE OF OPPOSITION

Applicant, Idea Sphere Inc., by and through its attorneys, Varnum, Riddering, Schmidt & Howlett LLP states as its Answer to Opposer's Notice of Opposition as follows:

ANSWERS

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments set forth in paragraph 1, and Opposer is left to its strictest proofs.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments set forth in paragraph 2, and Opposer is left to its strictest proofs.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments set forth in paragraph 3, and Opposer is left to its strictest proofs.
4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments set forth in paragraph 4, and Opposer is left to its strictest proofs.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments set forth in paragraph 5, and Opposer is left to its strictest proofs.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments set forth in paragraph 6, and Opposer is left to its strictest proofs.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments set forth in paragraph 7, and Opposer is left to its strictest proofs.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments set forth in paragraph 8, and Opposer is left to its strictest proofs.

9. The averments set forth in paragraph 9 are admitted.

10. The averments set forth in paragraph 10 are denied as being untrue.

11. The averments set forth in paragraph 11 are denied as being untrue.

12. The averments set forth in paragraph 12 are denied as being untrue.

WHEREFORE, Applicant respectfully requests that the Opposition be dismissed in its entirety.

DEFENSES

Applicant, Idea Sphere Inc., by and through its attorneys, Varnum, Riddering, Schmidt & Howlett LLP, reserves the right to assert all applicable defenses, including the following:

1. The Scope of Opposer's Purported Rights are Limited and Circumscribed by the Presence of Other PREVENTION marks on the Register and/or in the marketplace, including, but not limited to, the following:

Reg. 2,614,317;

Reg. 2,303,150;

Reg. 2,381,669;

2. There is an absence of likelihood of confusion.
3. Such other and further defenses as may prove applicable after further investigation and discovery.

Dated: August 23, 2004



Timothy E. Eagle (Reg No. 31,755)
Attorney for Applicant

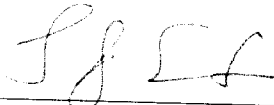
Varnum, Riddering, Schmidt & Howlett LLP
P.O. Box 352
Bridgewater Place, 333 Bridge Street, N.W.
Grand Rapids, MI 49501-0352
(616) 336-6000

CERTIFICATE OF SERVICE

I hereby certify that on this 23th day of August, 2004, a true copy of the foregoing Answer and Defenses to Notice of Opposition was served by first class mail, postage prepaid, to the following:

Kevin G. Smith
Sughrue Mion, PLLC
2100 Pennsylvania Ave., NW
Suite 800
Washington, DC 20037-3213

Dated: August 23, 2004



Timothy E. Eagle